

## **ARTICLE III. GENERAL PROVISIONS**

### **Section 3.01. Existing uses of lands, buildings and structures.**

The provisions of this ordinance shall not be retroactive. At the discretion of the owners, the lawful use of any dwelling, building or structure, and of any land or premises as existing and lawful at the time of enactment of this ordinance may be continued even though such use does not conform with the provisions of this ordinance, or in the case of an amendment, then at the time of the amendment.

### **Section 3.02. Scope of ordinance.**

Except as provided by section 16.02, all land and premises shall be used, and all buildings and structures shall be located, erected and used in conformity with the provisions of this ordinance following the effective date herein.

### **Section 3.03. Establishment of zoning districts.**

The city is hereby divided into the following zoning districts as shown on the official zoning map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this ordinance.

TABLE INSET:

Article IV	RA--Single-Family Residential District
Article V	R-1--Single-Family Residential District
Article VI	R-2--Duplex-Family Residential District
Article VII	R-2A--Single-Family & Mobile Home Residential District
Article VIII	R-3--Multiple-Family Residential District
Article IX	R-4--Mobile Home Park Residential District
Article X	PO--Professional Office Service Commercial District
Article XI	C-1--Central Business District
Article XIa	CBD--Central Business District
Article XII	C-2--General Commercial District
Article XIII	WF--Waterfront District
Article XIV	I--Industrial District
Article XV	CR--Conservation Reserve District
Article XVI	PUD--Planned Unit Development District

### **Section 3.04. Provisions for official zoning map.**

These districts, so established, are bounded and defined as shown on the map entitled: "Zoning Map of City of East Jordan" adopted by the city commission, and which with all notations, references and other information appearing thereon, is hereby declared to be a

part of this ordinance and of the same force and effect as if the districts shown thereon were fully set forth herein.

(Ord. No. 142G, § 8, 10-15-96)

### **Section 3.05. Changes to official zoning map.**

If, in accordance with the procedures of this ordinance and of Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq., MSA 5.2931 et seq.), as amended, a change is made in a zoning district boundary, such change shall be made by the city clerk with the assistance of the zoning administrator promptly after the ordinance authorizing such change shall have been adopted and published by the city commission. Other changes in the zoning map may only be made as authorized by this ordinance and such changes, as approved, shall also be promptly made by the city clerk with the assistance of the zoning administrator.

(Ord. No. 142G, § 8, 10-15-96)

### **Section 3.06. Authority of official zoning map.**

Regardless of the existence of other copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office of the city clerk, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the city.

### **Section 3.07. Interpretation of zoning districts.**

Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, street, alley, railroad or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of the city shall be construed as following such line.
- D. A boundary indicated as following a shoreline shall be construed as following the established or median shoreline.
- E. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- F. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs A through E above shall be so construed.
- G. A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.
- H. All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the official zoning map shall be determined by the zoning board of appeals consistent with the intent and purpose of this ordinance.

### **Section 3.08. Application and interpretation of regulations.**

The regulations established by this ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each permitted or approved use of land or building, dwelling and structure throughout each district. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, the zoning board of appeals shall have power in passing upon appeals to vary or modify any rules, regulations or provisions of this ordinance so that the intent and purpose of this ordinance shall be observed, public safety secured and substantial justice done, all in accordance with the provisions of article XXIV of this ordinance and MCL 125.585--125.585a, MSA 5.2935--5.2935(1), as amended.

This zoning ordinance is intended to be specific as to its uses permitted and the application of its regulations. It is intended to limit the use of discretion wherever and whenever possible, except for minor discretions by the planning commission and city commission and interpretations and variances by the zoning board of appeals.

(Ord. No. 142G, § 8, 10-15-96)

### **Section 3.09. Scope of regulations.**

A. Except as may otherwise be provided in article XVI, herein every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of any existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this ordinance shall be subject to all regulations of this ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.

B. All buildings and structures, unless otherwise specified in this ordinance, shall meet all the requirements of the construction code whenever applicable.

C. Uses are permitted by right only if specifically listed as principal permitted uses in each of the zoning districts. Accessory uses are permitted as listed or existing in the various zoning districts or if normal by proof of existence in the city or the immediately surrounding area to such listed or existing uses, and if such uses are clearly incidental to the permitted principal uses. Special uses are permitted as listed, if the required conditions are met. Only one principal use and its normal accessory uses shall be permitted on a single lot or parcel, except as otherwise provided in this ordinance.

D. All uses, buildings, and structures shall conform to the area, placement, and height regulations of the zoning district in which located, unless otherwise provided in this ordinance.

E. No part of a yard, or other open space, or off-street parking space or loading space required about or in connection with any use, building or structure, for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking lot or loading space similarly required for any other use, building or structure.

F. No yard or lot existing at the time of adoption of this ordinance shall be reduced in dimensions or area less than the minimum requirements set forth herein. Yards or lots

created after the effective date of this ordinance shall meet at least the minimum requirements established herein.

G. No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the zoning and subdivision control ordinances of the city and the Subdivision Control Act of 1967 as amended.

Editor's note: The subdivision control act of 1967 was renamed the land division act by Act No. 591 of the Public Acts of Michigan of 1996. For current provisions see MCL 560.101 et seq., MSA 26.430(101) et seq.

### **Section 3.10. Conformance to other public laws, rules and regulations.**

All uses of land, buildings or structures shall conform to all applicable local, county, state and federal laws, rules and regulations that have been promulgated and administered by the respective responsible public agency or official as well as the provisions of this zoning ordinance.

### **Section 3.11. Conflicting regulations.**

Whenever there is a difference between minimum or maximum standards, dimensions, or other provisions in this ordinance, or those contained in lawfully adopted county, state, federal or other governmental agency rules, regulations, ordinances or laws, the most liberal interpretation of the most restrictive or the one imposing the most desirable standard shall prevail.

### **Section 3.12. Zoning; not a vested right.**

The fact of any portion of the written text or districting on the map of this zoning ordinance is a function of the lawful use of the police power and shall not be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities in this ordinance, and are subject to possible future change, amendment or modification as may be necessary to the present and future protection of the public health, safety and welfare of the city and within each zoning district.

### **Section 3.13. Site plan review procedures.**

All uses permitted under the provisions or consequences of this zoning ordinance, and applying for a zoning permit, shall follow the requirements of article XXII, "Site Plan Review," except that all single-family and duplex homes located on a single lot or parcel shall only be required to submit a plot of survey, prepared in accordance with those relevant portions of article XXII, "Site Plan Review," so as to be able to determine the location of all buildings and structures in the field on a lot or parcel and submitted with the application for a zoning permit.

### **Section 3.14. Zoning permits in relation to building permits.**

Prior to the issuance of any building permit in the city, it shall be necessary for any applicant for construction under the provisions of the construction code to first apply for and obtain a zoning permit from the zoning administrator of the city in accordance with the provisions of this zoning ordinance.

**Section 3.15. Permitted zoning district uses and other provisions.**

Each zoning district and the uses it permits are designed to represent separate categories of compatible land uses. However, regulations controlling other articles in this zoning ordinance may also appropriately apply, including those provisions included in article XIX, "Supplemental Regulations"; article XVIII, "Nonconforming Land, Building and Structural Uses"; article XX, "Off-Street Parking, Loading and Unloading Requirements"; article XXI, "Sign Regulations"; and article XXII, "Site Plan Review." Applicants for zoning permits should relate their requests to both the appropriate zoning district as to use and the above articles for applicability.

(Ord. No. 142G, § 8, 10-15-96)

**Section 3.16. Uses not specifically listed in the permitted or special use sections of the respective zoning districts.**

It is the intent and purpose of this zoning ordinance to limit the permitted and special land uses and activities to those specifically included in the respective zoning districts. Any uses not listed shall be added only by the zoning amendment procedure as required in article XXV.

(Ord. No. 142G, § 8, 10-15-96)

**Section 3.17. Continued conformance with regulations and approved site plans.**

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, signs and all other requirements for a building or use specified within this ordinance and developments required and approved on-site plans shall be a continuing obligation of the owner of such building or property on which such building or use is located.

**Section 3.18. Wetland development.**

All "wetland areas" in the city as designated by the Michigan Department of Natural Resources (DNR) shall be required to meet the provisions of this ordinance and the provisions of Act No. 203 of the Public Acts of Michigan of 1979 (MCL 281.701 et seq., MSA 18.595(51) et seq.), as amended, "The Wetland Protection Act" and any rules promulgated by the department of natural resources.

Editor's note: Act No. 203 of the Public Acts of Michigan of 1979 was repealed by Act No. 59 of the Public Acts of Michigan of 1995. For current provisions see MCL 324.30301 et seq., MSA 13A.30301 et seq.

**Section 3.19. Project planning and plan information from other agencies and officials.**

All city, county, school districts, state and federal agencies and officials are required to submit to the planning commission through the zoning administrator their planning programs and project plans relative to all building, structural and land improvements to be made within the city prior to the final approval of site acquisition or construction plans and specifications by the respective city, county, school district, state and federal agencies and officials in accordance with MCL 125.39, MSA 5.2999, as amended and the provisions of this zoning ordinance.

**Section 3.20. Conformance of lots and parcels to the subdivision control act.**

All uses permitted in any district shall be located on lots or parcels of land subdivided in accordance with the provisions of Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.), as amended, "The Subdivision Control Act" and the Subdivision Regulations of the city adopted and in effect at the time. Editor's note: The subdivision control act of 1967 was renamed the land division act by Act No. 591 of the Public Acts of Michigan of 1996. For current provisions see MCL 560.101 et seq., MSA 26.430(101) et seq.

**Section 3.21. Lot--Building relationship.**

Every building erected, altered, or moved shall be located on a lot as defined herein, and there shall be no more than one principal building or use activity and its permitted normal accessory structures and activities located on each lot or parcel.